



OFFICE OF CONGRESSIONAL ETHICS  
UNITED STATES HOUSE OF REPRESENTATIVES  
WASHINGTON, D. C. 20515

*David Skaggs, Chair*    *Porter Goss, Co-Chair*  
*Yvonne Burke*                      *Jay Eagen*  
*Karan English*                      *William Frenzel*  
*Allison Hayward*                      *Abner Mikva*

*Leo J. Wise, Staff Director & Chief Counsel*  
*1017 Longworth House Office Building*  
*(202) 225-9739*  
*(202) 226-0997 fax*  
*oce@mail.house.gov*  
*http://oce.house.gov*

## THIRD QUARTER 2009 REPORT

JULY - SEPTEMBER 2009

### I. INTRODUCTION

The Office of Congressional Ethics (“OCE”) is an independent, non-partisan entity charged with reviewing allegations of misconduct against Members, Officers and staff of the House and, when appropriate, referring matters to the Committee on Standards of Official Conduct (commonly referred to as the “Standards Committee”). In all but one set of circumstances, the report and findings of the OCE Board must be publicly released.

The mission of the OCE and its Board is to assist the United States House of Representatives in upholding high standards of ethical conduct for its Members, Officers and staff and, in so doing, to serve the American people.

The following is a report of the OCE’s work in the third quarter of 2009.

### II. SUBMISSIONS

Any member of the public may bring a matter of suspected misconduct involving a Member, Officer or staff of the House to the attention of the OCE. Approximately 72 private citizens have contacted the OCE in the July to September 2009 period. These contacts were of two types: (1) requests for information on the OCE and its procedures and (2) allegations of misconduct. Staff or any Board member may also submit information regarding an alleged violation for consideration by the Board.

### III. BOARD ACTIONS

The OCE's investigations have two stages: (1) a preliminary review, which is completed in 30 days and (2) a second-phase review which is completed in 45 days, with the possibility of a 14-day extension. Two Board members (one appointed by the Speaker of the House and one appointed by the Minority Leader) may authorize a preliminary review if all available information provides a *reasonable basis* to believe that a violation may have occurred.

Three Board members may authorize a second-phase review if all available information provides *probable cause* to believe a violation has occurred.

At the end of any second-phase review, the Board must recommend to the Standards Committee either that the matter requires the Committee's further review or that it should dismiss the matter. When it makes its recommendation, the OCE Board may also transmit to the Standards Committee findings that include, among other things, findings of fact and citations to laws, rules or regulations that may have been violated. A chart depicting the OCE's review process is available on the OCE website at <http://oce.house.gov>.

<b>Type of Action Board Meeting Date</b>	Commence Preliminary Review	Terminate Matter	Commence Phase II Review	Extend Phase II Review	Referral to Standards Committee for Review	Referral to Standards Committee for Dismissal
July 26	0	0	0	0	4 <sup>1</sup>	1
August 5	0	0	8	2	0	0
September 17	0	0	0	8	0	0
September 26	1 <sup>2</sup>	0	0	0	0	0
<b>Total for Quarter</b>	<b>1</b>	<b>0</b>	<b>8</b>	<b>10</b>	<b>4</b>	<b>1</b>
<b>Year to Date</b>	<b>25</b>	<b>4</b>	<b>20</b>	<b>20</b>	<b>9</b>	<b>2</b>

---

<sup>1</sup> The OCE transmitted to the Standards Committee a report and set of findings that include a recommendation to dismiss some allegations, and related findings, and a recommendation to review further other allegations, and related findings. Therefore, one referral appears in both the "refer for further view" category and "refer for dismissal" category.

<sup>2</sup> The Board deliberated on whether to authorize a preliminary review in a matter at its September 26, 2009 meeting. The request to authorize a review was received by the OCE on October 5, 2009.

#### IV. SCHEDULE OF PUBLIC RELEASE OF OCE REPORTS AND FINDINGS

To date, the OCE has referred 9 matters to the Standards Committee that contain a recommendation for further review, five in the second quarter of 2009 and four in the third quarter of 2009. A chart depicting the schedule for public disclosure of OCE reports is available on the OCE website at <http://oce.house.gov>.

Review No.	Status	Release Date
09-3698 09-2567 09-4403 09-6333 09-2222	On June 24, 2009, the Standards Committee announced an investigative subcommittee had been empanelled to further investigate the subjects and subject matter of these referrals	Report released when subcommittee concludes work, or no later than 1 yr after subcommittee empanelled; findings released no later than the end of the 111 <sup>th</sup> Congress
09-7000 09-2121	On September 16, 2009 the Standards Committee announced that the Committee had voted to extend consideration of these matters for an additional 45-days	October 30, 2009 unless the Standards Committee empanels an investigative subcommittee
09-4126	Standards Committee has made no public announcements concerning this matter	
09-9812	On September 16, 2009, the Standards Committee announced that the U.S. Department of Justice requested that the Committee defer consideration of this matter and the Committee voted to do so	Standards Committee must announce if deferral exceeds 1 year

#### V. A NOTE ON ANONYMOUS “COMPLAINTS” AND NEWSPAPER ARTICLES

The OCE Board notes that in all cases before deciding to authorize a preliminary review it exercises reasonable due diligence to determine that objectively verifiable facts exist to substantiate an allegation and that the standard of proof set out in its Rules is met, namely, that a “reasonable basis” exists to believe an allegation. Such a determination does not constitute a finding that a violation has actually occurred. The OCE Board has never authorized a review based on an anonymous “complaint” or a newspaper article.

## VI. STAFFING UPDATE

The OCE staff includes Leo Wise, Chief Counsel and Staff Director, Mary Flanagan, Administrative Director and Bill Cable, Senior Counsel, all three of whom were hired in 2008. The following staff members were hired at various times during 2009.

*Omar Ashmawy, Investigative Counsel.* Mr. Ashmawy recently completed eight years of active duty service in the United States Air Force. Assigned to the Judge Advocate General Corps, he worked as a prosecutor and defense counsel representing both the United States government and active duty military members. Mr. Ashmawy is a graduate of The George Washington University in Washington, DC, and The George Washington University School of Law.

*Elizabeth Horton, Investigative Counsel.* Previously, Ms. Horton served as Counsel to the U.S. Senate Select Committee on Ethics and, prior to that, on detail as Deputy Associate Counsel for ethics in the White House Counsel's Office. Ms. Horton is a graduate of the University of Mississippi School of Law and the University's School of Business.

*Kedric L. Payne, Investigative Counsel.* Previously, Mr. Payne practiced law with Skadden, Arps, Slate, Meagher & Flom LLP, with a focus on matters related to federal, state, and local government ethics laws. Mr. Payne is a graduate of the University of Pennsylvania Law School, where he served as Editor-in-Chief of the University of Pennsylvania Law Review, and of Yale University.

*Paul Solis, Investigative Counsel.* Previously, Mr. Solis served as a staff investigator at the San Francisco Ethics Commission. Mr. Solis is a graduate of the University of Michigan and the Temple University School of Law where he was a staff member of the Temple International & Comparative Law Journal.

*Nate Wright, Analyst.* Previously, Mr. Wright held analyst positions with Goldwyn International Strategies and the Center for US Global Engagement and worked as a paralegal with the United States Department of Justice. Mr. Wright was a George Mitchell Scholar at the National University of Ireland and is a graduate of Georgetown University.

*Jon Steinman, Communications Director [part-time].* Mr. Steinman worked for 15 years as a reporter for daily newspapers and a wire service, including *The New York Times*, the *Los Angeles Times*, *The Orlando Sentinel* and Bloomberg News' Washington D.C. bureau. Mr. Steinman is a graduate of Vassar College and Columbia University's Graduate School of Journalism.